

**RULES
OF
TENNESSEE DEPARTMENT OF HUMAN SERVICES
COMMUNITY AND FIELD SERVICES DIVISION**

**CHAPTER 1240-7-2
WEATHERIZATION ASSISTANCE PROGRAM**

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1240-7-2-.01 ELIGIBILITY REQUIREMENTS. To be eligible for assistance under the Weatherization Assistance Program (WAP) as administered by the Department of Human Services, the following requirements must be met:

- (1) Residency. The applicant must be a current resident of the State of Tennessee.
- (2) Income. The household's income must not exceed 125% of the poverty income guidelines as established by the Federal Office of Management and Budget, or the household contains a member who has received cash assistance payments under Tennessee's Families First Program or the Supplemental Security Income (SSI) Program during the current or previous month relative to eligibility determination.
- (3) Dwelling Unit. A building containing more than four dwelling units will not be eligible for weatherization assistance due to the limited funds available.
 - (a) Before a two, three, or four-unit building can be weatherized, as least fifty percent (50%) of the dwelling units must be eligible dwelling units or will become eligible units within 180 days under a federal, state, or local government program for rehabilitating or making similar improvements to the building.
 - (b) Before any rental dwelling unit can be weatherized, the written permission of the owner or his agent must be obtained.

Authority: TCA §§4-5-202; 71-1-105; 71-1-105(12); 71-5-401; 42 USC §6851 et seq. **Administrative History:** Original rule filed September 30, 1985; effective December 14, 1985. Amendment filed July 26, 2000; effective October 9, 2000.

1240-7-2-.02 BENEFIT LEVELS.

- (1) Benefit levels shall be determined by the following:
 - (a) Recommendations of weatherization measures contained in energy survey reports prepared by the State certified staff of local contract agencies, or by eligible contractors employed by local contract agencies through a competitive bidding system;
 - (b) Priority weatherization measures identified in the WAP State Plan prepared by the Department of Human Services for each fiscal year of operation; and
 - (c) The maximum benefit levels identified in the WAP State Plan prepared by the Department of Human Services for each fiscal year of operation.

(Rule 1240-7-2-.02, continued)

- (2) Priority will be given to identifying and providing weatherization assistance to elderly and handicapped low income persons, single-family dwelling units, and other high energy consuming dwelling units according to the Priority Points System included in the WAP State Plan prepared by the Department of Human Services for each fiscal year of operation.

Authority: TCA §§4-5-202; 71-1-105; 71-1-105(12); 71-5-401; 42 USC §6851 et seq. **Administrative History:** Original rule filed September 30, 1985; effective December 14, 1985. Amendment filed January 9, 1990; effective May 1, 1990. Amendment filed July 26, 2000; effective October 9, 2000.

1240-7-2-.03 APPLICATION PROCESS. All individuals wishing to do so shall be allowed to apply in writing for weatherization assistance under the program. A written application must be completed by the applicant prior to a determination of eligibility. Only that information minimally necessary to determine eligibility will be required on the application.

Authority: TCA §§14-1-105, 14-21-101; 42 USC §§6851 et seq. **Administrative History:** Original rule filed September 30, 1985; effective December 14, 1985.

1240-7-2-.04 ADDITIONAL PROGRAM REQUIREMENTS.

- (1) The Department of Human Services' WAP contracting agencies are responsible for conducting outreach activities, application intake, eligibility determination, notification in writing of actions taken on all applications, prioritization of eligible applicants, protection of client records, and assisting in the investigation of program fraud or abuse.
- (2) Each agency's Board of Directors is responsible for establishing in writing a process for client appeals. The agency is responsible for including information concerning this process in all client notification letters. An appeal to the agency will not interfere with the client's right to request and receive a fair hearing, pursuant to Chapter 1240-5-1.
- (3) Contracting agencies are responsible for adhering to each county's allocation of WAP funds by weatherizing a proportional number of units within each county of its service area in relation to its total agency WAP allocation.
- (4) Financial assistance provided through the WAP will be used to supplement, and not supplant, state or local funds and to the maximum extent practicable as determined by the Department of Energy to increase the amounts of these funds that would be made available in the absence of federal funds provided under WAP.
- (5) To the maximum extent practicable, contracting agencies will secure the services of volunteers, training participants, and public service employment workers, pursuant to the Job Training Partnership Act, to work under the supervision of qualified supervisors and foremen.
- (6) To the maximum extent practicable, the use of weatherization assistance shall be coordinated with other federal, state, local, or privately funded programs in order to improve energy efficiently and to conserve energy.
- (7) The low income members of an Indian tribe shall receive benefits equivalent to the assistance provided to other low income persons within Tennessee.
- (8) No dwelling unit may be reported to the Department of Human Services as completed until a state certified local contract agency representative, or eligible private contractor employed by a local contract agency, has performed a final inspection and certified that all applicable work has been completed in a workmanlike manner and in accordance with the survey policies and procedures identified in the WAP State Plan. All work must pass inspection before payment is made by local

(Rule 1240-7-2-.04, continued)

contract agencies to private weatherization contractors. The Department of Human Services will not reimburse local contract agencies for any work which has not passed a final inspection.

- (9) All local contract agencies are responsible for adhering to the procedures and policies contained in the WAP State Plan for the administration of the program. The policies and procedures in the WAP State Plan are subject to change based on revisions in applicable federal regulations, changes in federal funding levels, and comments received during annual public hearings.

Authority: TCA §§4-5-202, 71-1-105; 71-1-105(12), 71-5-401 and 42 USC §6851 et seq. **Administrative History:** Original rule filed September 30, 1985; effective December 14, 1985. Amendment filed January 9, 1990; effective May 1, 1990. Amendment filed July 26, 2000; effective October 9, 2000.